

AMENDED IN SENATE APRIL 23, 2014

AMENDED IN SENATE APRIL 9, 2014

SENATE BILL

No. 1396

Introduced by Senator Hancock

February 21, 2014

An act to add Chapter 19 (commencing with Section 53330) to Part 28 of Division 4 of Title 2 of the Education Code, relating to school climate.

LEGISLATIVE COUNSEL'S DIGEST

SB 1396, as amended, Hancock. School climate: multitiered intervention and support program.

Existing law establishes a system of public elementary and secondary schools in this state, and authorizes local educational agencies throughout the state to provide instruction to pupils.

This bill would establish a multitiered intervention and support program. The bill, to the extent that one-time funding is made available in the Budget Act of 2014, would require the State Department of Education to apportion funds to a designated county office of education, selected from applicant county offices of education, that would be the fiduciary agent for the program. The bill would require the designated county office of education to consult with specified organizations and target the funding towards a statewide professional development effort that would provide training in multitiered intervention and support to school personnel.

The bill would require the Legislative Analyst's Office to review the impacts of this professional development effort and report to the Governor, the State Department of Education, and the Legislature by June 30, 2017, on specified aspects of the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In many school districts, local policies have addressed safety
4 and mental health issues in schools with ad hoc and piecemeal
5 strategies. This is borne out by the very narrow federal and state
6 laws related to pupil suspension and expulsion that produced
7 reactive discipline policies and increased pupil exclusion from
8 school. These practices have resulted in disproportionality in
9 discipline practices, as reflected in the high number of suspensions
10 and expulsions among African American and Latino pupils in
11 California.

12 (b) Restorative justice or restorative practices is a set of
13 principles and practices grounded in the values of showing respect,
14 taking responsibility, and strengthening relationships. Restorative
15 justice focuses on repair of harm and prevention of reoccurrence.
16 Restorative practices, applied in a schoolwide context, are used to
17 build a sense of school community and resolve conflict by repairing
18 harm and restoring positive relationships where pupils and
19 educators work together to set academic goals, develop core values
20 for the classroom, and resolve conflicts. Restorative practices can
21 be incorporated in the tiered framework of schoolwide positive
22 behavior interventions and supports.

23 (c) Recent statistics indicate that 20 percent of schoolage youth
24 experience a functional or significant behavior or mental health
25 disorder. In contrast, less than 1 percent of pupils are identified to
26 receive mental health services through the special education
27 classification of emotional disturbance. These numbers suggest a
28 significant gap in the need for school-based prevention and
29 intervention behavioral health services. Schoolwide Positive
30 Behavior Intervention and Support (SW-PBIS) can fill this gap
31 by providing a comprehensive and collaborative prevention and
32 intervention framework for schools to improve academic and
33 behavioral outcomes for all pupils. Recent research from Orange
34 County has shown that in districts where SW-PBIS has been
35 implemented there has been a 26-percent drop in in-school

1 suspensions, a 55-percent drop in out-of-school suspensions, and
2 a 30-percent drop in expulsions.

3 (d) In order to ensure that all pupils flourish academically,
4 districts must establish equitable discipline practices and behavioral
5 interventions that promote positive social-emotional development
6 and that prevent and respond to negative behaviors in order to
7 reengage disconnected pupils. School psychologists play a critical
8 role in implementing school-based educationally related counseling
9 services and positive behavior systems and supports that create
10 and reinforce positive school cultures of achievement for all pupils,
11 including those at risk of academic failure.

12 (e) The local control funding formula has been passed in an
13 effort to reform school finance and to direct funding directly to
14 at-risk pupil populations as outlined in Section 42238.07 of the
15 Education Code. This section states that the regulations shall
16 require a school district “to increase or improve services for
17 unduplicated pupils.” Research shows that efforts to improve
18 school climate, safety, and learning are not separate endeavors.
19 They must be designed, funded, and implemented as a
20 comprehensive schoolwide approach. School districts must work
21 to ensure through their local control and accountability plans that
22 pupils have access to universal, targeted, and individualized
23 psychological, behavioral, and counseling services and support
24 that will increase their chances for academic improvement.

25 (f) SW–PBIS is a multitiered framework for creating positive
26 school cultures. SW–PBIS is a decisionmaking framework that
27 guides selection, integration, and implementation of the best
28 evidence-based academic and behavioral practices for improving
29 important academic and behavior outcomes for all pupils. The
30 SW–PBIS approach requires the implementation of preventative
31 and proactive approaches to discipline and positive discipline
32 methods. In doing so, SW–PBIS changes the belief systems and
33 behavior of school staffs, pupils, and the community, resulting in
34 positive, productive citizens, and safer schools.

35 (g) SW–PBIS can support important local control and
36 accountability plan priority areas by providing local schools and
37 districts with an evidence-based framework to produce targeted
38 pupil behavioral and academic outcomes. SW–PBIS provides an
39 operational framework for achieving these outcomes.

(h) SW–PBIS fosters local control for school climate, academics, and behavior. SW–PBIS provides an operational framework and a set of sustainable schoolwide practices for achieving these outcomes. The schoolwide practices are research based, but are developed and implemented by the local school team of teachers, parents, administrators, school psychologists, school counselors, and pupils to reflect the culture and values of their schools.

(i) SW–PBIS has national support and has been defined, described, and researched since its introduction in the reauthorization of the Individuals with Disabilities Education Act of 1997. SW–PBIS research and training is supported by the Office of Special Education Programs (OSEP), United States Department of Education, through the OSEP Technical Assistance Center. School psychologists have been leaders in SW–PBIS professional development and systems implementation in schools and districts throughout the state.

(j) (1) SW–PBIS emphasizes four integrated elements:

(A) Data for decisionmaking.

(B) Measurable outcomes supported and evaluated by data.

(C) Practices with evidence that these outcomes are achievable.

(D) Systems that efficiently and effectively support implementation of these practices.

(2) These four elements are guided by six core principles, as follows:

(A) Develop a continuum of scientifically based behavior and academic interventions and supports.

(B) Use data to make decisions and solve problems.

(C) Arrange the environment to prevent the development and occurrence of problem behavior; increase supervision where needed.

(D) All school staff teach and encourage prosocial skills and behaviors in all settings on campus, and before and after school.

(E) Implement evidence-based behavioral practices with fidelity and accountability.

(F) Screen universally and monitor pupil performance and progress continuously.

(k) Schools that have established and maintained SW–PBIS systems with integrity have teaching and learning environments that are less reactive, aversive, punitive, dangerous, and exclusionary, are more engaging, responsive, preventive,

1 productive, and participatory, address classroom management and
2 disciplinary issues such as attendance, cooperation, participation,
3 and meeting positive expectations, improve support for pupils
4 whose behavior requires more specialized or intensive assistance
5 for emotional and behavioral disorders and mental health issues,
6 and maximize academic engagement and achievement for all
7 pupils.

8 SEC. 2. Chapter 19 (commencing with Section 53330) is added
9 to Part 28 of Division 4 of Title 2 of the Education Code, to read:

10
11 CHAPTER 19. MULTITIERED INTERVENTION AND SUPPORT
12

13 53330. (a) To the extent that one-time funding is made
14 available in the Budget Act of 2014, the department shall apportion
15 funds to a designated county office of education to be the fiduciary
16 agent for a multitiered intervention and support program that
17 includes, but is not limited to, the Schoolwide Positive Behavior
18 Intervention and Support program. The designated county office
19 of education shall be chosen by the Superintendent from county
20 offices that apply for designation under this chapter. The designated
21 county office of education shall be in charge of establishing specific
22 professional development activities that will lead to statewide
23 professional development support structures allowing for the
24 development and expansion of multitiered intervention and support
25 efforts, *including the incorporation of restorative practices*, in
26 each region of the state.

27 (b) This professional development and outreach effort shall
28 build upon existing statewide organizations, networks, and regional
29 organizations that are providing services related to multitiered
30 intervention and support and other mental health approaches. The
31 goal would be to organize multitiered intervention and support
32 trainings and resources to be disseminated on a regional basis.
33 These trainings, associated materials, and research shall educate
34 participants on how to have multitiered intervention and support
35 program support local control and accountability plan strategic
36 goals in alignment with a multitiered support system framework.

37 (c) The designated county office of education shall consult with
38 the Regional K–12 Student Mental Health Initiative, the National
39 Alliance on Mental Health Illness, the California Technical
40 Assistance Center on Schoolwide Positive Behavior Intervention

1 and Support, the California County Superintendents Educational
2 Services Association, the California Mental Health Directors
3 Association, the United Advocates for Children and Families, and
4 other nonprofit agencies throughout the state. The designated
5 county office of education shall also select an advisory committee
6 made up of stakeholders and mental health professionals who have
7 participated in the development and expansion of multitiered
8 intervention and support programs to assist in the planning and
9 implementation of this project.

10 (d) The designated county office of education, in the
11 implementation of this chapter, shall consider and include, as
12 appropriate, available resources for multitiered intervention and
13 support.

14 (e) Within the context of a state-level plan, funding shall be
15 targeted to all of the following critical activities:

16 (1) Explaining the importance of linking multitiered intervention
17 and support efforts with local control funding formula planning.

18 (2) Creating broad exposure to multitiered intervention and
19 support, which would include pamphlets, videos, Internet Web
20 site creation, webinars, and newsletters.

21 (3) Creating regional conferences on multitiered intervention
22 and support implementation that would provide free training for
23 teachers, school psychologists, and administrators.

24 (4) Establishing stipends for release time for school personnel
25 attending these workshops.

26 (5) Developing best practices of current district level multitiered
27 intervention and support systems based on the analysis pursuant
28 to subdivision (f) and ensure that these best practices are widely
29 disseminated.

30 (6) Establishing a cohort of trainers that can be available to
31 work directly with local school districts seeking to implement
32 multitiered intervention and support programs.

33 (7) Establishing a repository for the collection and dissemination
34 of multitiered intervention and support best practices.

35 (f) The designated county office of education, working in
36 cooperation with the Department of Finance, the State Department
37 of Education, and the Legislative Analyst, shall analyze the relevant
38 data on the success of multitiered intervention and support
39 programs at both the state and national levels, and shall establish
40 a set of best practices to be made available to school districts and

1 consortia of school districts to expand schoolwide multitiered
2 intervention and supports to address academic and behavioral
3 issues and to use as a foundation for the annual goals and state
4 priorities, such as pupil engagement and school climate, ~~to which~~
5 *may* be included in local control and accountability plans.

6 (g) The Legislative Analyst's Office shall review the impacts
7 of this professional development effort and shall report to the
8 Governor, the State Department of Education, and the Legislature
9 by June 30, 2017, on the breadth and best practices of the training.

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